S.B.CIVIL WRIT PETITION NO. 7174/2006

Balwanta Ram & Anr. Vs. State of Raj. & Anr.

DATE OF ORDER :: 23rd May, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. M.R. Singhvi, for the petitioners.
Mr. Kamal Dave, for the respondents.
Mr. Harish Purohit,

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By an order dated 13.11.2006 passed by the Managing Director, Jaisalmer Central Cooperative Bank Ltd. the petitioners were promoted as Loan Supervisors as consequent to recommendations made by the Promotion Committee of the Bank that met on 18.10.2006. The petitioners No.1 and 2, after joining the promotion post were posted at Mohangarh and Nachna respectively. The order dated 29.11.2006, thereafter, was passed by the Managing Director cancelling the order of promotion dated 13.11.2006, hence, this petition for writ is preferred.

The contention of learned counsel for the petitioner is that a regular promotion was given to the petitioners as a consequent to recommendations made by the Promotion Committee and that could have not been cancelled without giving a notice to them.

In reply to the writ petition the stand of the respondents is that the petitioner being not possessing requisite experience were not eligible to be considered for promotion, and therefore, the promotion granted to them under the order dated 13.11.2006 was erroneous.

It is not in dispute that no opportunity of hearing was given to

the petitioners to place their version before the authority competent while cancelling their promotion.

If the respondent-Bank, for any reason, was of the view that the promotion to the petitioners was erroneously given then the appropriate course was to convey those reasons to the petitioners and then to seek explanation from them. By promotion under the order dated 13.11.2006 a valuable right accrued to the petitioners and that could have not been taken by the respondents without giving a notice, thus, the order impugned dated 29.11.2006 passed by the Managing Director, Jaisalmer Central Cooperative Bank Ltd., Jaisalmer cancelling the order dated 13.11.2006 is illegal, therefore, is hereby quashed. It shall be open for the respondents to take appropriate decision with regard to promotion of the petitioners as Loan Supervisors after giving a notice to them. In the event the respondents take any decision adverse after notice to the petitioners they shall be having a right to challenge the same before the appropriate forum on all grounds available.

This petition for writ is disposed of accordingly.

(GOVIND MATHUR),J.

jgoyal